

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2012 APR 23 PM 3:03

TODD PHILLIPS,

Petitioner,

v.

RICK THALER, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:11-CV-0098

**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**GRANTING RESPONDENT'S MOTION TO DISMISS, and**  
**DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner TODD PHILLIPS. On August 17, 2011, grounds (1) - (3) of petitioner's application were dismissed. On September 29, 2011, respondent filed a Motion to Dismiss petitioner's only remaining claim. On April 4, 2012, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that respondent's motion be granted and the petition for a writ of habeas corpus be dismissed as time barred. As of this date, petitioner has not filed objections to the Report and Recommendation.

Having made an independent examination of the record in this case, the undersigned United States District Judge is of the opinion the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, respondent's motion to dismiss is GRANTED, and the petition for a writ of habeas corpus is hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this 23rd day of April 2012.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE